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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,247	12/28/2001	Diane Banks	2685/5735	5036

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EXAMINER	
LE, DANH C	

ART UNIT	PAPER NUMBER
2683	7

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,247	BANKS ET AL.	
	Examiner	Art Unit	
	DANH C LE	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-16* is/are rejected.

7)☒ Claim(s) *7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 May 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 12/28/01 (paper # 5) has been considered by the examiner and made of record in the application file.

Drawings

2. The drawings were received on 5/12/02. These drawings are accepted by the examiner and made of record in the application file.

Specification

3. The disclosure is objected to because of the following informalities:

 On line 3, page 1, paragraph 0001, after No., the "number" should fill in the blank line.

 Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

 A person shall be entitled to a patent unless –

 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-4,11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendrey (US 2002/0107008).**

As to claim 1, Hendrey teaches a method for determining whether each mobile station in a pre-defined group is in compliance with an acceptable location criteria (figure 6 and 7), the method comprising:

receiving mobile station tracking information including a mobile station identifier for each mobile station in the pre-defined group (paragraph 0068);

receiving current location coordinates corresponding to the mobile station identifier for each mobile station from a locator device (paragraph 0069);

calculating a relative location of each mobile station relative to at least one pre-determined target (paragraph 0070);

retrieving the acceptable location criteria for each mobile station relative to the one pre-determined target from a location criteria database (paragraph 0071);

comparing the calculated relative location of each mobile station relative to the one pre-determined target, with the retrieved location criteria to determine whether the calculated relative location is in compliance with the acceptable location criteria (paragraph 0071); and

notifying a subscriber if the calculated relative location is in compliance with the acceptable location criteria (user can set in the database which receives a warning phone call before getting connection, paragraph 107).

As to claim 2, Hendrey teaches the method of claim 1, wherein the one pre-determined target is another mobile station (paragraph 0071).

As to claim 3, Hendrey teaches the method of claim 1, wherein the one pre-determined target is a fixed location coordinate (paragraph 0114).

As to claim 4, Hendrey teaches the method of claim 1, further comprising: alerting the subscriber if the calculated relative location of each mobile station relative to the one pre-determined target is not in compliance with the acceptable location criteria (paragraph 0071, when the callee is not within predetermined maximum connection distance the system notifying the initiating user of the error condition).

As to claim 11, Hendrey teaches the method of claim 1, wherein the acceptable location a criterion is based on distance (paragraph 0046).

As to claim 12, Hendrey teaches the method of claim 1, wherein the acceptable location criteria is based on travel time (paragraph 0056).

As to claim 13, Hendrey teaches a method for monitoring a relative geographical location for a plurality of mobile stations identified in a pre-defined group (figure 6, 7) comprising:

identifying a present geographical location for each of the mobile stations identified in the pre-defined group (paragraph 0069);

retrieving location criteria information for the plurality of mobile stations identified in the pre-defined group, the location criteria information indicating acceptable geographic proximity criteria for each mobile station relative to one or more pre-determined targets (paragraph 0070); and

comparing the identified present geographical location for each mobile station relative to one or more pre-determined targets with the retrieved location criteria information for each mobile station identified in the pre-defined group to determine

whether the present geographic location is within acceptable limits of the location criteria (paragraph 0071).

As to claim 14, Hendrey teaches the method of claim 13, further comprising:

outputting an alerts indication to an output terminal if the present geographic location for each one of the plurality of mobile stations relative to the one or more pre-determined targets is not within acceptable limits of the location criteria (paragraph 0071, when the callee is not within predetermined maximum connection distance the system notifying the initiating user of the error condition).

As to claim 15, Hendrey teaches the method of claim 13, wherein the one or more pre-determined targets is another or more other mobile stations (paragraph 0071).

As to claim 16, Hendrey teaches the method of claim 13, wherein the pre-determined target is a fixed location coordinates (paragraph 0114).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 5, 6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrey in view of Bates (US 2003/0013456 A1).**

As to claim 5, Hendrey teaches the method of claim 1, further comprising:

identifying at least one mobile station having the calculated relative location that is in compliance with the location criteria (paragraph 0064); and

alerting a user of the identified at least one mobile station that the calculated relative location of the at least one mobile station is inside an area of interest (paragraph 0064 and (user can set in the database which receives a warning phone call before getting connection, paragraph 107).

Hendrey fails to teach identifying the mobile station that is not compliance with the distance or outside the area of interest. Bates teaches identifying the mobile station that is not compliance with the distance or outside the area of interest (paragraph 0044). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Bates into the system of Hendrey in order to determine whether other group members is about to enter the same region as Bates suggested (paragraph 0045).

As to claim 6, the combination of Hendrey and Bates teaches the method of claim 5, further comprising:

alerting the user of the identified one mobile station that the calculated relative location of the one mobile station exceeds a maximum distance requirement relative to another mobile station (paragraph 0054 and the user can set in the database which receives a warning phone call before getting connection, paragraph 107).

As to claim 8, Hendrey teaches the method of claim 1, Hendrey fails to further teach determining updated location coordinates for each mobile station that is not in compliance with the acceptable location criteria, wherein the updated relative location based on the updated location coordinates will make the mobile station comply with the acceptable location criteria and transmitting the updated location coordinates to a user of the mobile station. Bates teaches determining updated location coordinates for each mobile station that is not in compliance with the acceptable location criteria, wherein the updated relative location based on the updated location coordinates will make the mobile station comply with the acceptable location criteria and transmitting the updated location coordinates to a user of the mobile station (paragraph 0044). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Bates into the system of Hendrey in order to determine whether other group members is about to enter the same region as Bates suggested (paragraph 0045).

As to claim 9, the combination of Hendrey and Bates further teaches the method of claim 8, further comprising:

providing detailed directions to the user for relocating to the updated location coordinates (Bates, paragraph 0044).

As to claim 10, the combination of Hendrey and Bates further teaches the method of claim 9, further comprising:

monitoring the user's mobile station to confirm whether the user relocates to the updated location coordinates (Bates, paragraph 0045).

Allowable Subject Matter

Claims 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 7, the teaching of Hendrey and Bates either alone or in combination fails to teach alerting the user of the identified at least one mobile station that the calculated relative location of the one mobile station is less than a minimum distance requirement relative to another mobile station.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Hendrey et al (US 2002/0086676 A1) teaches method and system for connecting mobile users based on degree of separation.

B. Grube et al (US 2003/0100326 A1) teaches group location and rout sharing system for communication units in a trunked communication systems.

C. Miriyala et al (US 2003/0078042 A1) teaches location base grouping for wireless network coverage area.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



September 7, 2004
DANH CONG LE
PATENT EXAMINER